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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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10 DANIEL J. LANG,
11 CDCR #C-82516,

Civil No. 08-0238 JLS (CAB)

12 Plaintiff,

13 vs.

14 TERESA SCHWARTZ, et al.,

15 Defendants.

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**ORDER GRANTING PLAINTIFF'S
EX PARTE MOTION FOR
EXTENSION OF TIME TO FILE
FIRST AMENDED COMPLAINT**

[Doc. No. 6]

17 Plaintiff, an inmate currently incarcerated at the Richard J. Donovan Correctional Facility
18 located in San Diego, California and proceeding pro se, has filed a civil rights Complaint
19 pursuant to 42 U.S.C. § 1983.

20 On May 12, 2008, the Court sua sponte dismissed Plaintiff's Complaint for failing to state
21 a claim pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). *See* May 12, 2008 Order at 6-7.
22 Specifically, the Court granted Plaintiff forty-five days leave to amend his Complaint. *Id.* at 6.
23 On June 19, 2008, Plaintiff filed a motion requesting a sixty (60) day extension of time to file
24 his First Amended Complaint [Doc. No. 6]. “‘Strict time limits . . . ought not to be insisted
25 upon’ where restraints resulting from a pro se prisoner plaintiff’s incarceration prevent timely
26 compliance with court deadlines.” *Eldridge v. Block*, 832 F.2d 1132, 1136 (9th Cir. 1987)
27 (citing *Tarantino v. Eggers*, 380 F.2d 465, 468 (9th Cir. 1967); *see also Bennett v. King*, 205
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1 F.3d 1188, 1189 (9th Cir. 2000) (reversing district court's dismissal of prisoner's amended pro
2 se complaint as untimely where mere 30-day delay was result of prison-wide lockdown).

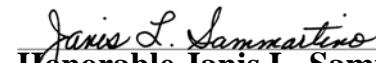
3 **Conclusion and Order**

4 In light of the foregoing, the Court hereby **GRANTS** Plaintiff's request for an extension
5 of time in which to file a First Amended Complaint. [Doc. No. 6]. Plaintiff's First Amended
6 Complaint, should he elect to file one, must be filed with the Court no later than **Friday,**
7 **September 5, 2008.** Plaintiff's First Amended Complaint must comply in all other respects with
8 the Court's May 12, 2008 Order.

9 **IT IS SO ORDERED.**

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11 **DATED: July 8, 2008**

12 
13 Honorable Janis L. Sammartino
United States District Judge

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